

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

THOMAS FOGLIA, In the Name of
the United States Government
pursuant to the False Claims
Act, 31 U.S.C. Section 3730;
The State of New Jersey
pursuant to the New Jersey
False Claims Act, Title 2A of
the New Jersey Statutes and
amending 3 P.L. 1968, c.413;
The State of Texas pursuant to
TEX. HUM. RES. CODE Sec.
36.001 - 36.117 and
individually pursuant to The
New Jersey Conscientious
Employee Protection Act,
N.J.S.A. 34:19-1 et seq.,

Relator / Plaintiff,

v.

RENAL VENTURES MANAGEMENT,
LLC,

Defendant.

Civil No. 09-1552 (NLH/AMD)

SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel at the scheduling conference pursuant to Rule 16, Federal Rules of Civil Procedure on November 16, 2010; and the Court noting the following appearances: Ross Begelman, Esquire, appearing on behalf of the plaintiff; and R. James Kravitz, Esquire, appearing on behalf of the defendant; and for good cause shown:

IT IS this **16th** day of **November 2010**, hereby **ORDERED**:

1. The parties shall make FED. R. CIV. P. 26(a) disclosures on or before **November 30, 2010**.

2. The time within which to seek amendments to the pleadings or to add new parties will expire on **January 31, 2011**.

3. The Court will conduct a telephone status conference on **February 7, 2011 at 10:00 A.M.**. Counsel for plaintiff shall initiate the telephone call.

4. Pretrial factual discovery is hereby extended to **April 29, 2011**. All pretrial discovery shall be concluded by that date. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

5. **Depositions**. All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in Hall v. Clifton Precision, 150 F.R.D. 525 (E.D.Pa. 1993).

The Court shall not permit at trial any witness testimony by video unless the witness is unavailable as set forth in FED. R. Civ. P. 32(a)(4).

6. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of plaintiff shall be served upon counsel for defendant not later than **May 31, 2011**. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of defendant shall be served upon counsel for plaintiff not later than **June 30, 2011**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **July 29, 2011**.

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F. R. Evid. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

The Court shall not permit at trial any witness testimony by video unless the witness is unavailable as set forth in FED. R. Civ. P. 32(a)(4).

7. **Dispositive Motions**. Dispositive motions shall be filed with the Clerk of the Court no later than **August 26, 2011**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

8. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under FED. R. Civ. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY
RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).**

s/ Ann Marie Donio
ANN MARIE DONIO
United States Magistrate Judge

cc: Hon. Noel L. Hillman